

# **Remarks -- DCM Hogan Opening Ceremony of the Core Judicial Skills Seminar**

*November 16, 2015 - 09:00-09:30*

Distinguished members of Azerbaijan's Judiciary,

Good morning.

Welcome to the Core Judicial Skills Seminar. This is the latest in a series of professional exchanges between the judges of Azerbaijan and those of the United States. In the recent past we have shared and exchanged knowledge about our respective systems in the areas of money laundering, human trafficking, criminal procedure and asset forfeiture, among others. This seminar will focus on those core skills that all judges must possess: assessing evidence, judicial opinion writing, sentencing and judicial ethics. We in the United States believe that sharing experiences and ideas with practitioners from different legal systems and traditions enriches all judicial education. We certainly do not claim to have the best legal system, and our solutions to the legal challenges we face are not the only ones. But whether the basis of your legal tradition is the common law, as ours is, or has its roots in the civil law, as does Azerbaijan's, seminars such as these give us the opportunity to learn from each other, and to explore new ideas and problem-solving approaches that strengthen our capacity to deliver justice to the people we serve.

More than 200 years after our founding fathers wrote the U.S. Constitution, legal experts and citizens still consider it a "living, breathing document." Its meaning has evolved over time, broadening the rights of defendants, minority citizens and individuals. To cite one recent example, the idea that our Constitution protects the right of same-sex couples to enjoy the benefits of marriage is probably not one that occurred to the founders. But according to the Supreme Court in the recent Obergefell decision, America is a "nation where new dimensions of freedom become apparent to new generations." The fundamental liberties protected by our Constitution extend to certain personal choices central to individual dignity and autonomy, and our courts must

exercise reasoned judgment in identifying interests of the person so fundamental that the State must accord them respect. History and tradition guide this inquiry, but do not set its outer boundaries. The Constitution and lesser laws are constantly being reinterpreted, and legislatures are constantly enacting new laws. The dynamic nature of the law requires that judges keep abreast of its developments, both in America and Azerbaijan.

And there is another reason these exchanges are so valuable: The professional exchange of ideas is based on the premise that a knowledgeable, well-trained judiciary is a prerequisite to an independent judiciary. The ideals expressed in our respective Constitutions are meaningless unless our citizens have confidence in the ability of our lifetime-tenured judges to deliver the reality of those ideals according to the law, irrespective of personal whim or class or family or partisan status. Judicial independence is also fundamental to democracy. It is virtually the only check on the potentially overreaching power of the State. To paraphrase President Harry Truman, the “buck stops” on the judges’ desk.

We at the U.S. Embassy hope that this seminar will be a successful and productive one, and that it will be only the latest in many, many continuing judicial development exchanges between our two countries. I wish you all the best.

Thank you.